



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
THE CIT GROUP/BUSINESS
CREDIT, INC.,

Plaintiff,

- against -

GRACO FISHING AND RENTAL
TOOLS, INC., ET AL.,

Defendants.
-----X

VICTOR MARRERO, United States District Judge.

09 Civ. 9861 (VM)

ORDER

Upon review of the parties' filings in connection with the application of plaintiff The CIT Group/Business Credit, Inc. ("CIT") by order to show cause (Docket No. 7) for a preliminary injunction and having heard and considered the oral arguments at the hearing on the matter on December 17, 2009 (the "Oral Argument"), the Court denies CIT's application. The Court finds that CIT has not made out the elements necessary for a preliminary injunction. In particular, the Court is not persuaded that CIT has established irreparable harm or that the balance of the equities tips decidedly in CIT's favor.

As discussed at the Oral Argument, trial on the merits, which the parties anticipate to take three days, shall begin on Tuesday, February 16, 2010. A final pretrial conference is hereby scheduled for January 29, 2010 at 4:00 p.m.

SO ORDERED.

Dated: New York, New York
23 December 2009

VICTOR MARRERO
U.S.D.J.